

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA**

**ENVIRONMENTAL EQUIPMENT &
SERVICE COMPANY,**

Plaintiff,

v.

WACHOVIA BANK, N.A.,

Defendant.

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CIVIL ACTION

No. 08-1478

September 23rd, 2010

Anita B. Brody, J.

ORDER

AND NOW, this ____23rd____ day of September, 2010, it is **ORDERED** that Defendant's Motion for Summary Judgment (Doc. #69) is **GRANTED** in part and **DENIED** in part, as follows:

- Defendant's Motion on Plaintiff's Negligence Claim is **GRANTED**.
- Defendant's Motion on Plaintiff's Breach of Contract Claim is **GRANTED**.
- Defendant's Motion on Plaintiff's Breach of Duty of Good Faith and Fair Dealing Claim is **GRANTED**.
- Defendant's Motion on Plaintiff's Pennsylvania Uniform Fiduciaries Act Claim is **GRANTED**.
- Defendant's Motion on Plaintiff's Pennsylvania Commercial Code Claims is **GRANTED** as to claims barred by the applicable statutes of repose and limitations but **DENIED** as to claims not barred by the applicable statutes of repose and limitations.
 - ▶ Plaintiff's Pennsylvania Commercial Code claims survive as to checks

containing alterations or forged drawer signatures and appearing on account statements on October 31, 2005 or after.

- ▶ Plaintiff's Pennsylvania Commercial Code claims survive as to checks containing forged indorsements and negotiated on February 25, 2005 or after.
- ▶ Defendant's Motion on Plaintiff's Aiding and Abetting Claim is **GRANTED** as to claims barred by the applicable statute of limitations but **DENIED** as to claims not barred by the applicable statute of limitations.
 - ▶ Plaintiff's aiding and abetting claims survive as to any aiding and abetting that took place on February 25, 2006 or after.

s/Anita B. Brody

Anita B. Brody, J.

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